LEGISLA[illegible] ASSEMBLY

STANDING COMMITTEE ON JUSTICE,
LABOUR AND INDUSTRY

REPORT ON

THE DAY OF REST ACT

and

VIDEO LOTTERIES

OCTOBER, 1992

93-01671/

LEGISLATIVE ASSEMBLY

PRINCE EDWARD ISLAND

Charlottetown
Prince Edward Island
Canada

October 30, 1992

STANDING COMMITTEE ON JUSTICE, LABOUR AND INDUSTRY

FINAL REPORT ON SUNDAY SHOPPING & VIDEO LOTTERY MACHINES

Mr. Speaker, and, Members of
the Legislative Assembly,

By Motion of this House, the Standing Committee on Justice, Labour and Industry was established and directed to meet and take under consideration the following matters;

a) The Day of Rest Act (R.S.P.E.I. 1988, Cap. D-4) and, in particular, the matter of Sunday shopping

,and,

b) The Video Lottery Regime in Prince Edward Island as provided for in the Video Lottery Scheme Regulation (Order-in-Council No. EC361/91 and as amended).

Permanent Members of your Committee are as follows;

Tim Carroll, MLA, Chair	Stavert Huestis, MLA
Walter McEwen, Q.C., MLA	Hon. Gordon MacInnis, MLA
Alan Buchanan, MLA	Hon. Tom Dunphy, MLA
Peter Doucette, MLA	Hon. Leone Bagnall, MLA

Substitute Members were as follows;

Marion Murphy, MLA	Claude Matheson, MLA
Stanley Bruce, MLA	Ross Young, MLA

The Committee's recommendations and observations are contained in the following Report.

Respectfully submitted,

Tim Carroll

Tim Carroll, MLA, Chairman
Standing Committee on Justice,
Labour and Industry

The Day of Rest Act and video lottery machines, your Committee has discovered, are matters on which a great many Prince Edward Islanders have strong opinions. In the conduct of our review, 8 public hearings were held during which 37 presentations were received. In addition to these contributions, more than 55 letters were received and over 150 signed petitions with thousands of names.

Your Committee sincerely thanks all groups and individuals for their submissions to us (see Appendix "A"). It is through the contemplation and evaluation of this information that we are able to make the recommendations included in this Report. We would especially like to thank Pastor Don Sands of the Seventh-day Adventist Church for his excellent presentation on video lottery machines. His research was of great benefit to the Committee.

VIDEO LOTTERY TERMINALS (VLTs)

At the present time Prince Edward Island, New Brunswick, Newfoundland, Nova Scotia, Manitoba and Alberta have video lottery schemes in place. Prior to the legalization of VLTs on P.E.I. problems were being experienced with uncontrolled, unregulated, illegally operating machines which were being run totally at the discretion of the siteholder and the owner of the machine. These so-called "grey machines" (estimated to number as many as 250 prior to legalization of VLTs) were certainly cause for concern and did play a role in prompting the legalization of VLT play on P.E.I.

Each VLT costs approximately $6,000 to $7,000 for an owner/ operator to purchase with net revenue averaging between $450 and $500 per week, per machine. Obviously some machines in prime locations are netting much more than machines located in lower volume areas. As of August 15, 1992, there were 507 machines operating on Prince Edward Island in 284 different establishments. In order to participate in the ownership and operation of VLTs, an operator must be a member of the P.E.I. Amusement and Music Operators Association. At the present time there are 8 individuals or businesses involved in the ownership and operation of VLTs.

VLTs are programmed to pay out between 80% and 92% of all money put into them with total money winnings paid out, after free games, of about 59%. VLT players receive credits when they win,

which may be cashed in at anytime. While the machines are programmed to pay-out between 80% and 92%, actual cash payout is less as players may choose to continue play and utilize credits won for free games, rather than cash payout, thus resulting in actual monetary payout of 59%.

On August 22, 1991 video lottery terminals became legal on Prince Edward Island. From that August date until the end of the 1991/1992 fiscal year (32 weeks of operation) the total bet into the machines was $13,405,966 with net revenue, after payouts, of $5,639,994 (42%). The net revenue was then divided as follows:

Government of P.E.I.	- 35% ($1,973,998)
Siteholders	- 32.71% ($1,844,853)
Machine owners/operators	- 28.03% ($1,581,302)
Government of Canada (GST)	- 4.25% ($ 239,813)

While these figures represent the "hard" numbers relating to video lottery play on P.E.I., your Committee has attempted to explore beyond these figures to objectively assess the impact that this form of gambling is having on Prince Edward Island and on Prince Edward Islanders. To this end, your Committee deemed it necessary, and appropriate, to hold public hearings in an attempt to gauge the attitude of Islanders to video lottery machines and the way in which they are being regulated.

During the public hearing process, and via correspondence, your Committee was struck by many impassioned presentations advocating the elimination of, or further restrictions on, video lottery terminals. The most often cited reasons for these recommendations were:

a) VLTs represent a different form of gambling which results in a greater likelihood of becoming addicted, and therefore excessive use is probable. This in turn, is creating undue hardships on families. As stated in the presentation from the Seventh-day Adventist Community Services (pg. 9) "Video gamblers experience arousal from wins and near wins many times, even in one game. This arousal, along with the illusion of skillful control of the game, motivates the player to keep on playing."

b) Concern with the location in which video lottery machines can be found, specifically convenience stores and other non-liquor licensed retail outlets to which the youth of our Province have access.

While we recognize, and concur, with many of the recommendations and observations made to your Committee, we cannot ignore the fact that gambling in all its forms is readily available in society and some abuses will occur regardless of the legality of the particular gambling medium that may be available. Government must

recognize that problem gambling exists and embark on an educational campaign to inform Islanders of the potential dangers inherent in gambling, the signs to watch for which may indicate addiction and provide information to the public with regard to the actual odds of winning if a person plays games of chance on a regular basis. Further, Government must recognize that there are many people with gambling addictions who require proper treatment to enable them to battle their addictions. Some crucial questions must be answered, such as; who is actually playing VLTs? Is it low income earners, white collar, blue collar, those of high or low education levels, age, average expenditure, effect of the medium on expenditure, instant payouts vs. draws, level of excessive or abusive use, and so on. We are aware that the Atlantic Lottery Corporation has done some work in these areas; however, their main focus is to establish market groups rather than doing a full-scale assessment of the impacts on society as a whole. There is also a perception that the statistics generated by the Atlantic Lottery Corporation may be presented in such a fashion that favourable light is cast on their product rather than the presentation of an objective assessment that may be critical of their products.

In order to obtain the answers to these, and other questions, and in an attempt to gain an accurate reading on the scope of gambling on Prince Edward Island, we recommend that a Research Institute on Gambling be established to conduct unbiased research

studies, perform data collection functions, to identify real and potential problem areas and to fully assess the socio-economic impact of gambling on society. This Research Institute on Gambling should not have a vested interest in the gaming industry nor should it have any involvement in the promotion or enforcement of legislation or regulations relative to gaming schemes. It is imperative that the body be as impartial and unbiased as possible to ensure that all information is equitably assessed.

As stated by the Medical Society of P.E.I. in their presentation to your Committee, "Many forms of legalized gambling, especially the video gambling machines have been pursued without much research, and without much effort to determine the social and economic consequences.". It is our hope that the Research Institute on Gambling will address this oversight.

The Research Institute on Gambling should also fully assess the impact that advertising has on gambling participants. Your Committee is concerned that the promotions now utilized by the Atlantic Lottery Corporation may be creating unrealistic notions and false expectations. A full assessment is necessary to understand the impact that such promotions are having on the amount of play and which group(s) of individuals are being most effected.

In addition to the educational, treatment and research components mentioned above it is also important that VLTs (as well

as all other forms of legalized gambling) be properly monitored to ensure that all regulations are being complied with. Funding should be derived from a percentage of the profit being realized by all those organizations and individuals making money on legalized forms of gambling. Those benefiting from gambling have a social and moral responsibility to all people participating in gambling, whatever the form may be.

Having stated this, the existing regime under which video lottery machines are operated and regulated is not acceptable to this Committee or to the majority of Prince Edward Islanders. Between now and the time it takes to establish and make operational the above-recommended Research Institute on Gambling some irreparable damage may occur if VLTs continue to operate in the fashion in which they presently operate. Until such time as the true socio-economic impacts are adequately and independently assessed and a number of crucial questions answered, Government should restrict the use of VLTs.

Your Committee, therefore, recommends the following:

OPERATING HOURS

It is conceivable that an individual who wishes to play VLTs could do so twenty-four hours a day seven days a week. This is cause for much concern as problem gamblers must wrestle constantly

with the temptation to play as soon as some money becomes available, by whatever means. We, therefore, recommend that VLTs be operational for no more than eight hours a day between the hours of 2:00 p.m. and 10:00 p.m. six days a week. No video lottery gambling should be permitted on Sundays.

During times when VLTs are not operational, and when the machine has not been activated, the screen should display a warning regarding the dangers of addiction and a telephone number for individuals who wish to seek help for a suspected gambling problem.

We are convinced that the technology exists to easily implement these recommendations.

INSTANT PAYOUTS

All forms of gambling are not created equal!!! Lotteries which provide instant payouts appear to be the most popular forms of gambling, presumably a result of the immediate payout of winnings (the exception being Lotto 649; however, we feel its popularity is attributable to the large amount of money available to be won for the small ticket purchase price).

Advocates for VLTs tend to promote the "entertainment" value of VLT playing and draw little correlation between the instant payout and the amount of use. We feel that the $500 maximum

instant payout is too high and that some people have created in their own minds a misconception that a machine will automatically "blow" the big payout if enough loonies are put into it. It also creates a situation whereby a problem gambler who has already gambled away a substantial amount of money may continue in the hope of a large payout to immediately recoup the loss. Given the fact that there is no correlation between how much actually goes into a particular machine and when it will pay off, such misinformation could prove disastrous for an uninformed player and is harmful to the integrity of VLT play given the engaging and compelling nature of the medium.

We recommend that a limit be placed on instant payouts of $50. Any winnings in excess of $50 would have to be forwarded to the Atlantic Lottery Corporation for payment at a later date. This, we are hopeful, would help control problem gambling and encourage more responsible use of VLTs.

LOCATIONS

While your Committee is not completely satisfied with the current locations in which VLTs are located, some Committee members do not feel that any useful purpose would be served by restricting the locations beyond what presently exists. To restrict the placement of VLTs to liquor-licensed establishments would only create further problems without addressing the plight of the

problem gambler. Placing VLTs solely in liquor-licensed establishments will do little to promote public awareness of VLTs. Problem gamblers would still have access to the machines (providing they were at least 19 years of age) but would have to go to a bar or lounge to play which may not be the best environment for problem gamblers.

We do, however, strongly recommend that there be no further expansion of approved premises until such time as the impact of VLT play has been fully assessed. In addition, your Committee feels that the limits on the number of machines which can be located in approved premises (sections 20 and 21 of the Regulations) should be retained and not expanded until such time as the above-mentioned assessment has been completed.

AGE RESTRICTION

Your Committee is very disturbed by allegations that minors are being permitted to play VLTs. It is of paramount importance that age restrictions be strictly enforced and that the regulations be amended to reflect clearly the legal playing age of 18.

The Regulations should also be amended to require the posting of signs to indicate that no person under the age of 18 is allowed to play and that winnings will not be paid to any person unless proof of age can be provided. If, under extenuating circumstances,

a minor gains access to a VLT and wins an amount of money, the siteholder should not make payment and should be required to report the incident to the P.E.I. Lotteries Commission outlining the details surrounding the incident.

The P.E.I. Lotteries Commission on receipt of complaints relative to under-aged playing would be required to make a determination under section 27 of the Regulations regarding the integrity or reputation of the Video Lottery Scheme. In making this determination the Commission should take into account the number of complaints received in connection with a particular location and whether or not the siteholder had reported any problem with under-aged playing.

HARNESS RACING INDUSTRY

Also of concern to your Committee is the status of the harness racing industry on Prince Edward Island. At first glance it would appear that this concern is beyond the mandate of this Committee; however, some of the stakeholders in the harness racing industry are of the opinion that the legalization of video lottery play is solely responsible for the decline in the parimutuel bet. While we do not believe that the legalization of VLTs is the main problem with the harness racing industry, we do recognize that video lottery play may be contributing to the difficulties being experienced. It should be pointed out that evidence to date does

not support this conclusion.

Recognizing the importance of the harness racing industry to Prince Edward Island, we recommend that the Provincial Governments of the Maritime Provinces consider the possibility of providing assistance to the harness racing industry in an attempt to develop a viable and long-term Maritime marketing plan.

VIOLATIONS

Any infraction occurring under the Regulations, particularly by siteholders or operators, should be dealt with severely such that a first-time offender would lose his license for one year, second offense for five years and a third offense would result in a lifetime suspension. In our opinion, removal of the ability to participate in the Video Lottery Scheme would prove a greater disincentive to violating the Regulations than would a fine.

CONCLUSION

It is our hope that the above recommendations, if acted on, will result in a video lottery regime which would be socially responsible and proactive in understanding an analyzing legalized forms of gambling and the effects on society as a whole. The restrictions which we are recommending will give Government the time it needs to establish the Research Institute on Gambling

recommended on page 4. The Institute will in turn be able to provide a broader and more complete picture of who actually gambles and how different forms of gambling affects the gambler, the gambler's family and the community.

DAY OF REST ACT

During the Christmas season of 1991, some merchants in the Charlottetown area opened for business on Sunday with no regard for the Day of Rest Act and in clear violation of section 3 which prohibited many of these businesses from opening. No charges were laid for a number of reasons, not the least of which is the relatively insignificant maximum fine of $1,000. Many retailers simply viewed the potential fine as a cost of doing business, again with no regard for the spirit or intent of the Legislation. As legislators, we find this blatant disregard for the law disturbing. Such actions from the business leaders in our community set a very poor example and a dangerous precedent. We recognize the economic pressures of the day were, and continue to be, formidable. One question remains unanswered, however, that being whether or not more money was spent by consumers as a result of Sunday opening or whether Christmas shopping was spread out over seven days rather than six, with the same amount of consumer dollars being spent.

As noted at the beginning of this Report, the response to your Committee's call for public input was encouraging. In addition to the submissions received from individuals, organizations and businesses, your Committee also received a series of petitions requesting that Government strengthen the provisions of the Day of Rest Act and reaffirm Sunday as the Sabbath Day and therefore a day of rest. This petition was signed by over 4,500 Islanders. We

wish to commend the organizers and participants involved in the circulation of this petition. It was indeed a benefit for us to have the input of so many Islanders.

Your Committee was once again impressed by the quality of the presentations received. The overwhelming majority of intervenors advocated the strict enforcement of the Day of Rest Act. Sunday was repeatedly referred to as a desired common day of rest, a day in which families should be provided an opportunity to interact, worship, recreate and rest. Your Committee also discovered that many retailers also felt that a common day of rest is a desirable and necessary component to a healthy and vibrant lifestyle.

The few intervenors who advocated Sunday shopping were of the opinion that Sunday retailing simply reflects reality at a time when consumers are demanding convenience and service seven days a week. Sunday shopping was also promoted as a necessity for the economic survival of some businesses and as a major factor in competing with off-Island retailers open on Sunday. Another reason for advocating change to the existing legislation was the unequal application of the Act within our own Province. Examples of the flea market at the Charlottetown Mall and Peakes Wharf were cited as establishments open on Sunday while other businesses selling the same type of merchandise were being forced to close.

While your Committee is sensitive to the economic realities

retailers are facing in today's marketplace, we do not feel unrestricted Sunday shopping is the only solution to those problems. There are many other ways to remain competitive in today's marketplace. The disposable income that households may have will not increase because there is a store open on Sunday. There exists a finite amount of consumer dollars on Prince Edward Island; therefore, it is unreasonable to expect that sales will increase dramatically as a result of having an extra day on which to spend a fixed amount of money.

Having stated this, we are cognizant of the fact that during our tourist season there may be some advantage to providing the opportunity to shop on Sunday. (This will be explored later in the Report.)

We are of the opinion that restrictions on Sunday shopping will not increase the amount of off-Island shopping by Island residents. While we recognize that some Islanders do shop off-Island, it is unreasonable to anticipate that this number will dramatically increase because there is restricted Sunday shopping on P.E.I.

Your Committee firmly believes that a common day of rest is both a desirable and necessary component to a healthy and vibrant lifestyle. It is also very much a part of Prince Edward Island's way of life in that the family unit is recognized as being integral

to the development of a healthy and productive society. As legislators, we recognize this and therefore must take the steps necessary to promote that perspective and maintain this approach to the best of our abilities. To that end, we recommend that the Day of Rest Act be rewritten to protect Sunday as a non-retail shopping day. The legislation is in need of revision to ensure that it provides clear direction and is equitably enforced across P.E.I. Government must be cautious during the process of this revision to make sure that Island businesses with similar product categories are treated equitably and that no one business is legislated to a disadvantage relative to another.

To this end your Committee recommends that Nova Scotia's Retail Business Uniform Closing Day Act (see Appendix "B") be used as the basis for the above-recommended revision. It may be necessary, and advisable, to fashion this new legislation such that it encompasses other vacation days as well. This legislation could be styled the Retail Businesses Holidays Act which would cover New Year's Day, Good Friday, Sunday, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day (similar to Nova Scotia). Government should be aware, however, that consumer trends have developed whereby certain services are expected to be available on Sunday and other vacation days. We therefore recommend the following be taken into consideration during the Day of Rest Act revision:

a) Under the existing Day of Rest Act a situation is created where some businesses are allowed to open on Sunday, some are prohibited from opening and some are opening illegally all dealing in the same product categories. This inequity must be addressed and clarification provided to ensure that all businesses are operating in a fair and even-handed manner.

b) Businesses whose majority of sales are associated to the rental or sale of videos should be permitted to open on Sunday and other non-retailing shopping days.

c) Bakeries should be permitted to open on Sunday and other non-retailing shopping days.

d) Given that flea markets are very difficult, if not impossible, to regulate as to what may or may not be sold, and, that they are now in direct competition with retail businesses in offering for sale new merchandise, your Committee recommends that flea markets not be permitted to open on Sunday or other non-retail shopping days.

e) The $1,000 maximum fine currently provided for in the Day of Rest Act is inadequate and does not provide a sufficient deterrent for potential violators. We

therefore recommend that the maximum fine be substantially increased to ensure that a sufficient deterrent is apparent and that retailers view the Act seriously.

f) Service stations and/or convenience stores on Prince Edward Island have been opening on Sundays for some time now. We feel that this has become widely accepted, and, many owners of such establishments have invested considerable amounts of money with a large volume of sales coming on Sunday. These convenience stores/service stations serve a particular market. Consumers frequenting these businesses do so usually for convenience and not for items of long-term necessity. Very few people would go to a convenience store to do their weekly grocery shopping! Government should, however, consider the possibility of restricting such opening based on, in addition to the number of employees, square footage. It is conceivable that these stores could become very large and no longer represent the accepted definition of a convenience store.

g) As noted earlier in this Report, your Committee recognizes that there is a need to support our tourism industry and allow for some restricted form of Sunday shopping for small, seasonally-operated tourism businesses.

Criteria will have to be established to identify such businesses. We suggest that the following factors be taken into consideration:

- Amount of sales occurring from June through September.

- Area in which the business is located.

- Type of business.

- Number of employees needed to operate the business.

- Size of the business.

Tourism industry representatives and Department of Justice officials should work together to develop an acceptable definition of a "bona fide tourist operation". This is of paramount importance as many tourism businesses are opening on non-retailing days illegally.

h) Section 4(3) of the Day of Rest Act regarding the exercise of conscience or religion is a positive section and should be retained in any revision.

i) Drugstores should not be restricted from opening on Sunday or other non-retailing shopping days provided a licensed pharmacist is on duty. Government should, however, monitor the operation of drugstores and the product categories in which they deal. It is conceivable that a drugstore could expand beyond the size of what is now deemed acceptable, in which case consideration could be given to restricting such stores on the basis of square footage and/or number of employees.

In conclusion, we are convinced that Prince Edward Island businesses can compete and prosper in these difficult economic times without the disruption that full-scale Sunday shopping would cause. Restrictions must apply equally to all Island businesses as competitive forces <u>within</u> P.E.I. are such that if one business was allowed to open on Sunday, competitors would have to open as well to ensure the preservation of their market share (regardless of whether or not they wanted to be open).

Efforts such as the "Shop P.E.I." campaign are commendable and will work if given a chance. Island businesses must be innovative in their approach to doing business in an attempt to create an environment where Islanders and visitors alike will want to shop on P.E.I. Competitive pricing, quality selection and knowledgeable service staff are three areas in which there is potential for improvement. Let's make P.E.I. **THE** place to shop.

APPENDIX "A"

Presentations received on VIDEO LOTTERY MACHINES and SUNDAY SHOPPING

1. P.E.I. Music and Amusement Operators Association
2. Seventh-day Adventist Church
3. P.E.I. Standardbred Horseowners' Association
4. Ron Jenkins
5. Queens County Ministerial Association
6. Office of the Family Life Ministry
7. Marie McKenna
8. Willard Blakney
9. Edith MacLean
10. Prince Edward Island Womens' Institute
11. Realwomen
12. Paul Chandler
13. Free Church of Scotland
14. Women for Life, Faith and Family
15. Roger Birt
16. The Presbytery of P.E.I.
17. Leo Cannon
18. Catholic Womens' League
19. Henderson and Cudmore
20. District Convention #9, Womens' Institute
21. Don Worthen
22. Association of Christian Churches of Eastern P.E.I.
23. Summerside Christian Council
24. First Baptist Church
25. Medical Society of P.E.I.
26. Philip Brown
27. Helene Smith
28. P.E.I. Lotteries Commission
29. Downtown Business Association, Summerside
30. Atlantic Lottery Corporation
31. Confederation Court Mall Merchants' Association
32. Tourism Industry Association of P.E.I.
33. Social Action Commission
34. Atlantic Building Suppliers Association
35. Seventh-day Adventist Community Services
36. P.E.I. FEderation of Labour
37. Ron MacMillan, Ron Jenkins and Perley Taylor presenting on behalf of thousands of petitioners (also submitted for the Record a collection of petitions.)

Correspondence Received on

VIDEO LOTTERY MACHINES

and

SUNDAY SHOPPING

1. Susan DesRoches
2. Jim Mullen
3. United Church Women, Crapaud Unit
4. Charles Allen
5. Laurie Moore
6. Chester Moore
7. P.E.I. Music and Amusement Operators Association
8. Sylvia Ferguson
9. Petitions from the following:
   - St. Charles Parish
   - East Baltic, Red Point, Elmira, Kingsboro area
   - Charlottetown area
   - Central Christian Church
   - Murray Harbour
   - Belle River
   - Fredericton, Breadalbane area
   - Murray River
   - Montague Christian Church
   - Montague area
   - Souris R.R.2
10. Richard Clark
11. Jeanne MacPhee
12. Jean MacArthur
13. Dyne Holdings Ltd.
14. Robert and Edna Culbert
15. Mr. and Mrs. Donald Theriault
16. Darlene Arsenault
17. W.V. Simpson
18. Charlottetown Downtown Business Association
19. Chad and Nancy Stretch and family
20. Cavendish United Church Women
21. Fannie Moore
22. Thelma Frizzel
23. Martin and Nancy Ching
24. Michael and Lori MacAulay
25. Karen Dingwell
26. Fairview/New Dominion Womens' Institute
27. Rice Point Womens' Institute
28. West Prince Christian Council
29. Nine Mile Creek Womens' Institute
30. Murray Harbour Baptist Church (Petition)
31. Linda MacKay
32. Hugette Essery

Correspondence Received Sunday Shopping & Video Lotteries

33. Clarence and Hazel Moore
34. Waldron and Bertie Rose
35. Martha Bruce
36. Mildred Ehler
37. Alan Holman
38. Rev. Charles O. Hudson
39. Joanne MacRae
40. Ladies Orange Lodge of P.E.I.
41. Norman and Gwen Cairns
42. York Point Womens' Institute
43. Sylvia Ferguson
44. Petitions from:
    - Summerside and area
    - Miscouche, Belmont, Central Lot 16 area
    - Sturgeon, Cambridge area
    - Montague
45. Queens County Ministerial Association
46. Roger Birt (survey on Sunday shopping)
47. Prince Edward Island Convention Bureau
48. The Presbytery of P.E.I.
49. Canadian Federation of Independent Business
50. The Pentecostal Assemblies of Canada
51. Anglican Church Women
52. Rev. Phillip Scott, Murray River (Petition)
53. Peter Kays and other convenience store operators
54. Kenneth Biso
55. United Church, Alberton-Elmsdale Charge

NOVA SCOTIA
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CHAPTER 402

An Act Respecting Uniform Closing Day for Retail Businesses

Short title

1 This Act may be cited as the *Retail Business Uniform Closing Day Act*. 1985, c. 6, s. 1.

Interpretation

2 In this Act,

(a) "goods" means personal property;

(b) "municipality" means a city, incorporated town or municipality of a county or district;

(c) "performance" includes any game, match, sport, contest, exhibition, entertainment, dance, program, theatrical presentation or motion picture presentation;

(d) "retail business" means the selling or offering for sale of goods or services by retail;

(e) "uniform closing day" means

(i) Boxing Day,

(ii) Canada Day,

(iii) Christmas Day,

(iv) Good Friday,

(v) Labour Day,

(vi) New Year's Day,

(vii) Sunday,

(viii) Thanksgiving Day,

(ix) any other day the Governor in Council orders and declares by proclamation to be a uniform closing day for the purposes of this Act. 1985, c. 6, s. 2; 1987, c. 53, s. 1.

Uniform closing day

3 (1) No person shall on a uniform closing day

(a) sell, offer for sale or purchase any goods or services by retail; or

(b) admit the public to any premises where a retail business is carried on,

except as otherwise provided in this Act.

Section does not apply

(2) This Section does not apply in respect of

(a) the operation of a drug store except in a department store;

(b) the sale of agricultural products by the producer at the farm;

(c) the sale of maple sugar products;

(d) the sale of Christmas trees;

(e) the operation of a motor vehicle service station;

(f) the operation of a restaurant;

(g) the provision of accommodation, camping, food, beverage, recreation, related services and facilities, and tourist information;

(h) the operation of a private club, fraternal organization or veterans organization;

(i) any public game or contest for gain or for any prize or reward;

(j) any performance or public meeting at which a fee is charged directly or indirectly either for admission to such performance or meeting or to any place within which the same is provided or for any service or privilege thereat, but not including the operation of a public dance hall;

(k) the hiring of motor vehicles or small boats for the personal use of the hirer or his family for any purpose not prohibited by this Act;

(l) the operation of any excursion on which passengers are conveyed for hire and having for its principal or only object the carriage of such passengers for amusement or pleasure;

(m) the conveying of goods or travellers on railways, buses or other public conveyances;

(n) the operation of any ferry or boat authorized by competent authority to carry passengers on a uniform closing day;

(o) receiving, transmitting or delivering telegraph or telephone messages;

(p) broadcasting as defined by the *Defamation Act*;

(q) the publication of a newspaper including all work necessary for, or incidental to the preparation, printing and distribution thereof;

(r) the provision of goods or services on an emergency basis;

(s) goods and services prescribed by the Governor in Council. 1985, c. 6, s. 3.

Restriction on power

4 (1) Notwithstanding any other Act, any other Act empowering a municipality or the council of a municipality to regulate the closing or hours of operation of a business, including a retail business, does not include the

power to permit the carrying on of the retail business on a uniform closing day where to do so is prohibited by this Act.

Municipal prohibition unaffected

(2) Nothing in this Act affects or shall be construed to affect any power conferred on a municipality or the council of a municipality to prohibit the operation of a business, including a retail business, on a day when the operation of the retail business is not prohibited by this Act.

Remembrance Day

(3) Notwithstanding that Remembrance Day within the meaning of the *Remembrance Day Act* may also be a uniform closing day within the meaning of this Act, nothing in this Act empowers a municipality or the council of a municipality to permit the operation of an industry within the meaning of the *Remembrance Day Act* on Remembrance Day in contravention of the *Remembrance Day Act* and nothing in the *Remembrance Day Act* permits a retail business to operate in contravention of this Act. 1985, c. 6, s. 5.

Offence and penalty

5 (1) Any person who contravenes, disobeys or refuses, neglects, omits or fails to observe and comply with any provision of this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

Offence and penalty

(2) A person who authorizes, counsels, requires, directs or knowingly permits anything to be done in violation of any provision of this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars. 1985, c. 6, s. 6; 1987, c. 53, s. 3.

Collective agreement unaffected

6 Nothing in this Act affects the meaning of any provision in a collective agreement. 1985, c. 6, s. 6.

Court may order compliance with Act

7 (1) Upon application by the Attorney General to the Trial Division of the Supreme Court, the Court may make any order that is necessary to ensure compliance with this Act or the regulations by any party named in the application.

Order made in addition to penalty

(2) An order made pursuant to subsection (1) shall be in addition to any penalty otherwise imposed pursuant to this Act. 1987, c. 53, s. 4.

Regulations

8 The Governor in Council may make regulations

(a) defining a word or expression used in this Act and not defined herein;

(b) determining or modifying the meaning of a clause of subsection (2) of Section 3;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1987, c. 53, s. 4.

Regulations Act

9 The exercise by the Governor in Council of the authority contained in clause (ix) of Section 2, clause (s) of subsection (2) of Section 3 and Section 8 shall be regulations within the meaning of the *Regulations Act*. 1987, c. 53, s. 4.